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UNCLAS LILONGWE 000364

SIPDIS

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SUBJECT: FLOOR-CROSSING AMENDMENT ON PARLIAMENT'S AGENDA

[1](#)1. SUMMARY. On April 12 the National Assembly passed a motion accepting the introduction of an amendment to Section 65 of the constitution at the next sitting of Parliament. Section 65 defines what constitutes "crossing the floor", or switching political parties, in the National Assembly. The amendment would place tighter restrictions on inter-party movements of elected officials. END SUMMARY.

[1](#)2. A proposed amendment to the Constitution will likely be brought to Parliament for a vote at its next meeting, scheduled for May. The controversial legislation follows a dramatic party realignment of elected officials and would prohibit further inter-party realignments within Parliament. Passage of the bill would mean that an MP would be required to vacate his or her seat in the National Assembly upon allying with a different party or declaring independent status; independent MPs would also vacate their seats upon joining any political party.

[1](#)3. The motion to amend Section 65 of the Constitution was made by John Tembo, leader of the opposition and President of the Malawi Congress Party (MCP), and its acceptance is an initial step in passing the law. At this point, Parliament has only agreed that the amendment can be brought to the floor for a vote at a future sitting. Amendment of the Constitution requires a two-thirds majority; for this reason, passage of the amendment is not certain. Tembo's own MCP has only sixty seats in the 193-member National Assembly and the motion to introduce the bill passed because only a simple majority vote is required for motions.

[1](#)4. COMMENT. By sponsoring this amendment, Tembo is trying to save his party from rumored defections in the near future. The main backers of the bill are MCP and United Democratic Front (UDF) loyalists, former archrivals now united under threat of losses to President Mutharika's new Democratic Progressive Party (DPP). Clearly, some opportunist MPs want to maintain the status quo in order to preserve their ability to declare political independence (or, in the case of already declared independents, join a political party) in the National Assembly without having to resign. The amendment would place tight restrictions on MP's political realignments, and seems to be aimed specifically at preventing the DPP from increasing its MP membership.

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